

THE LAW OFFICE OF

ELISA HYMAN, P.C.

November 25, 2020

BY ECF

The Honorable Paul A. Engelmayer, U.S.D.J.
United States District Court - Southern District of New York
40 Foley Square
New York, NY 10007

Re: J.M. et al., v. New York City Department of Education, et al.,
20-CV-1329 (PAE)(KNF)

Dear Judge Engelmayer:

I represent the Plaintiffs in the above-referenced case. I write jointly to request an adjournment of the Case Management Plan ("CMP") *sine die*. Docket Entry 23.

In this case, Plaintiff J.M., on behalf of herself and her child D.M., alleges that Defendants violated the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. §1415(j), in that Defendants failed to implement orders of administrative hearing officers in underlying proceedings concerning D.M.'s special education. Docket Entry 1. Plaintiffs recently amended their complaint to add claims for additional school years with respect to D.M. and added similar IDEA claims with respect to D.M.'s brothers, T.M. and J.M.1. Docket Entry 33. Defendants have not yet answered the amended complaint.

Pursuant to the CMP, fact discovery is set to close today, November 25, 2020. Docket Entry 23. A pre-trial conference is currently scheduled for February 16, 2021. *Id.* In light of Plaintiffs' recent amendment to the complaint, adding additional parties and claims for additional school years, a new CMP is needed to allow full discovery of all of the claims. Additionally, due to the Covid-19 pandemic, discovery in IDEA cases has been understandably slowed. The parties propose adjourning the CMP *sine die* and submitting a status report no later than January 20, 2021. This will give the Defendants time to answer the amended complaint and allow the parties to engage in informal settlement discussions. At that time, the parties will be better able to gauge the amount of time necessary for discovery, if the case cannot settle.

Thank you for Your Honor's consideration of the above request. We wish you a safe and happy holiday.

Sincerely,

Erin O'Connor

Granted. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

11/25/2020